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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,114	08/27/2001	Toshimichi Nishizawa	A30603-A-1 -072595.0184	4294
21003	7590	08/30/2004	EXAMINER	
BAKER & BOTT 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				HOFFMANN, JOHN M
		ART UNIT		PAPER NUMBER
		1731		

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/940,114	NISHIZAWA ET AL.	
Examiner	Art Unit	
John Hoffmann	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 August 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17-25 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 17-25 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 406051679 and the admitted prior art (pages 2-5 of the specification) in view of Valyi (5,082,604).

See how the art was applied previously. Having the movable end piece would require the use of a cylindrical concave portion in the end piece so as to make the same final piece of the admitted prior art – except with the improvement of having no defects. See Applicant's figure 14 which shows that cylindrical concave portions are known.

As to claim 25:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25: there is no antecedent basis for "the bottom portion". Moreover, there is no mention of the bottom portion in the specification. One needs to be able to turn to the specification to determine what is meant by the claims. There would be an undue burden on the public in trying to figure out what is and what is not covered by "bottom portion".

Claim 24: line 2 there is no antecedent basis for "the cylindrical concave portion of a portion..." Alternatively – it is unclear which of the concave portions it is. Or if it is a third portion. It is unclear what is meant by "portion of a portion". There is no disclosure of any such portions and one of ordinary skill would be confused as to what it refers to – and how to tell if a portion is a "portion of a portion" or if it is just a regular portion.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As best as Examiner can tell there is no support for the invention of claims 24-25. At least there is no explicit literal support therefore. This is deemed to be a *prima facie* showing of failure to comply with the written description requirement. The burden is now on applicant to demonstrate that the written description requirement has been met.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no mention of the "bottom portion" of claim 25. Also, there is no mention of a "cylindrical concave portion".

There is no mention of the "concave portion of a portion" of claim 24.

Response to Arguments

It is argued that neither Aoki nor Valyi discloses a movable metal mold with a cylindrical concave portion. The relevance of this is not understood because the rejection is not based on either Aoki or Valyi alone. The rejection is clearly based on a combination of three pieces of evidence – not one solitatory piece of evidence as applicant seems to suggest.

There are further arguments regarding splattering, jetting defects, bubbles, warping, etc. These arguments are not understood because they are not required by the claims. Nor has it been demonstrated that these are necessarily inherent attributes of the invention. Whereas examiner believes applicant has some embodiments where there are no splattering, jetting, etc., such is largely irrelevant because the claims are not limited to applicant's specific embodiments. The claims are directed to a wide scope of methods – and Applicant must demonstrate any improvement to cover the entire scope. Moreover, applicant must demonstrate that the improvement is new and unexpected.

Further it is noted that Applicant discloses that cylindrical concave portions are already known (see applicant's figure 14). It is not understood how one could conclude that such is an unobvious feature.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hoffmann whose telephone number is (571) 272 1191. The examiner can normally be reached on Monday through Friday, 7:00- 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John Hoffmann
Primary Examiner
Art Unit 1731

8-26-09

jmh